

# UNITED STATES DISTRICT COURT

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

for  
Eastern District of Washington

Sep 06, 2018

SEAN F. MCAVOY, CLERK

U.S.A. vs. Lively, Andrew Albert Docket No. 0980 1:18CR02040-LRS-1

## Petition for Action on Conditions of Pretrial Release

COMES NOW Jose Zepeda, PRETRIAL SERVICES OFFICER presenting an official report upon the conduct of defendant Andrew Albert Lively, who was placed under pretrial release supervision by the Honorable U.S. Magistrate Judge Mary K. Dimke sitting in the court at Yakima, Washington, on the 30th day of July 2018 under the following conditions:

Condition #9: Defendant shall refrain from use or unlawful possession of a narcotic drug or other controlled substance defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner in conformance with federal law. Defendant may not use or possess marijuana, regardless of whether defendant has been authorized medical marijuana under state law.

Condition #6: Defendant shall report to the U.S. Probation/Pretrial Services office before or immediately after release and shall report as often as they direct, at such times and in such manner as they direct.

Special Condition #6: Defendant shall submit to random urinalysis and/or Breathalyzer tests as directed by the United States Probation/Pretrial Office.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

Violation #5: Andrew Lively is alleged to have consumed a controlled substance, amphetamine and methamphetamine, on or about August 27, 2018.

Conditions of pretrial release were reviewed with Mr. Lively on July 31, 2018. He acknowledged an understanding of his conditions which included condition number 9.

On August 27, 2018, Mr. Lively submitted to a drug screen at Merit Resource Services (Merit) which returned presumptive positive for methamphetamine. The specimen was sent to Cordant for confirmation. On September 4, 2018, this officer received a call from Merit and was advised the specimen was confirmed positive for the presence of amphetamine and methamphetamine by the contract provider Cordant.

Violation #6: Andrew Lively is alleged to have failed to report and/or make contact with the probation office as directed on Wednesday September 5, 2018.

Conditions of pretrial release were reviewed with Mr. Lively on July 31, 2018. He acknowledged an understanding of his conditions which included condition number 6.

On September 4, 2018, Mr. Lively met with Supervisory United States Probation Officer Jose Vargas. Mr. Lively was instructed to report back to the probation office at 8:00 a.m. the following day, September 5, 2018. The defendant agreed to report back as instructed; however, as of this writing, Mr. Lively has failed to report as instructed.

Violation #7: Andrew Lively is alleged to have failed to report for urine testing at the United States Probation Office as directed on September 5, 2018.

Conditions of pretrial release were reviewed with Mr. Lively on July 31, 2018. He acknowledged an understanding of his special conditions which included condition number 6.

**Re: Lively, Andrew Albert**

**September 6, 2018**

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On September 4, 2018, Mr. Lively met with Supervisory United States Probation Officer Jose Vargas. At this meeting, Mr. Lively was instructed to submit to a drug screen. Mr. Lively was unable to produce a sample as directed. Mr. Lively was instructed to report back to the probation office at 8:00 a.m. the following day, September 5, 2018, for a drug screen. The defendant agreed to report back as instructed; however, as of this writing, Mr. Lively has failed to report to the probation office for a drug screen as instructed.

PRAYING THAT THE COURT WILL ORDER A WARRANT AT THIS TIME

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I declare under the penalty of perjury that the foregoing is true and correct.

Executed on: September 6, 2018

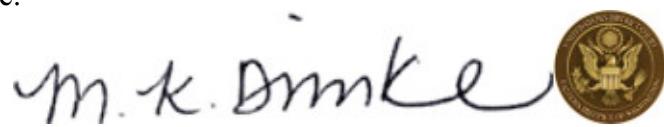
by s/Jose Zepeda

Jose Zepeda  
U.S. Pretrial Services Officer

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**THE COURT ORDERS**

- No Action
- The Issuance of a Warrant
- The Issuance of a Summons
- The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- Defendant to appear before the Judge assigned to the case.
- Defendant to appear before the Magistrate Judge.
- Other


Signature of Judicial Officer

9/6/2018

Date